

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CECILIO BADILLO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

No. 1:20-cv-00393-NONE-SAB

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS; DENYING
PLAINTIFF'S APPLICATION TO
PROCEED *IN FORMA PAUPERIS* AND
REQUIRING PLAINTIFF TO PAY THE
REQUIRED FILING FEE WITHIN
TWENTY DAYS

(Doc. Nos. 2, 4, 6, 9, 10)

On March 16, 2020, plaintiff Cecilio Badillo filed a complaint in this action seeking review of the final decision of the Commissioner of Social Security denying disability benefits. (Doc. No. 1.) The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 14, 2020, after receiving and reviewing three applications to proceed *in forma pauperis* ("IFP") filed by plaintiff, the magistrate concluded that the filings contained material inconsistencies and revealed what "appear[ed] to be significant expenses beyond the necessities of life that would counter a finding of poverty." (Doc. No. 7.) The magistrate judge denied the IFP application without prejudice and required plaintiff to file yet another long form IFP application containing consistent and thorough information, as well as specific supplemental

1 documentation supporting plaintiff's allegations of poverty. (*Id.*) Plaintiff was afforded twenty
2 days from May 14, 2020, to file a renewed application to proceed IFP. (*Id.*)

3 Plaintiff did not file a long form application within the established deadline, and on June
4 11, 2020, the assigned magistrate judge ordered plaintiff to show cause within fourteen days why
5 this action should not be dismissed for failure to comply and failure to pay the filing fee in this
6 action. (Doc. No. 8.) On June 22, 2020, plaintiff filed an untimely long form IFP application but
7 did not include the documentation required by the magistrate judge's May 14, 2020 order. (Doc.
8 No. 9.) On June 29, 2020, the magistrate judge filed findings and recommendations,
9 recommending that plaintiff's motion to proceed IFP be denied. (Doc. No. 10.) The findings
10 and recommendations, which provided plaintiff with notice that any objections thereto were due
11 within fourteen days, were served on plaintiff through counsel of record. (*See* Docket.) Plaintiff
12 failed to file objections and the time for plaintiff to do so has elapsed.

13 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
14 *de novo* review of this case. Having carefully reviewed the entire file, the court finds the
15 findings and recommendations to be supported by the record and proper analysis. The
16 magistrate judge reasonably concluded that the present record does not sufficiently demonstrate
17 that plaintiff qualified to proceed IFP with this action.

18 Accordingly, IT IS HEREBY ORDERED that:

- 19 1. The findings and recommendations, filed June 29, 2020, (Doc. No. 10), are
20 ADOPTED IN FULL;
- 21 2. Plaintiff's applications to proceed in this action without prepayment of fees, filed
22 March 16, 2020; April 10, 2020; May 4, 2020; and June 22, 2020 (Doc. No. 9) are
23 DENIED;
- 24 3. Plaintiff SHALL pay the four hundred dollar (\$400.00) filing fee in this action
25 within twenty (20) days of the date of service of this order; and

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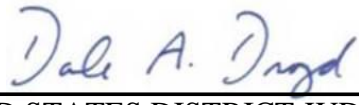
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- 1 4. Failure to pay the filing fee in compliance with this order will result in the matter
2 being dismissed for failure to comply with a court order.

3 IT IS SO ORDERED.

4 Dated: August 6, 2020


UNITED STATES DISTRICT JUDGE